

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE V. CHITAMBARESH

TUESDAY, THE 9TH DAY OF JUNE 2015/19TH JYAISHTA, 1937

WP(C).No. 14146 of 2013 (P)

PETITIONERS:

1. JOSEPH, S/O. JOSEPH, VILLANTHANATH HOUSE,
MANKULAM P.O. AND VILLAGE,
MANKULAM KARA, DEVIKULAM TALUK.
2. XAVIER, S/O. XAVIER, VILLANTHANATH HOUSE,
MANKULAM P.O. AND VILLAGE
MANKULAM KARA, DEVIKULAM TALUK.
3. SIVAN, S/O. NARAYANAN, CHALIL HOUSE,
MANKULAM KARA, VILLAGE AND P.O.
DEVIKULAM TALUK (DIED) - 685 613.

BY ADVS. SRI. BENHUR JOSEPH MANAYANI
SRI. JEEVAN MATHEW MANAYANI

RESPONDENTS:

1. SIVAN, S/O. NARAYANAN, CHALIL HOUSE,
MANKULAM KARA, VILLAGE AND P.O.
DEVIKULAM TALUK (DIED) - 685 613.

LEGAL REPRESENTATIVES

2. PONNAMMA SIVAN, W/O. LATE SIVAN,
CHALIL HOUSE, MANKULAM KARA, VILLAGE AND P.O.
DEVIKULAM TALUK .
3. JIMMI K.S., D/O. LATE SIVAN
CHALIL HOUSE, MANKULAM KARA, VILLAGE AND P.O.
DEVIKULAM TALUK - 685 613.
4. JIBU M.S., S/O. LATE SIVAN,
CHALIL HOUSE, MANKULAM KARA
VILLAGE AND P.O., DEVIKULAM TALUK - 685 613.
5. THE KERALA STATE ELECTRICITY BOARD,
VYDYUTHI BHAVAN, PATTOM, TRIVANDRUM-695 001
REPRESENTED BY ITS SECRETARY

6. MANKULAM HYDRO ELECTRIC PROJECT,
MANKULAM P.O., CHITRAPURAM, IDUKKI-685 565
REPRESENTED BY ITS MANAGER

7. THE DISTRICT COLLECTOR, COLLECTORATE,
PAINAVU P.O., IDUKKI DISTRICT-685 602.

8. STATE OF KERALA REPRESENTED BY
ITS CHIEF SECRETARY, SECRETARIAT
TRIVANDRUM - 695 001.

R5 & 6 BY ADV. SRI.K.M.SATHYANATHA MENON,SC,KSEB
R2 BY ADV. SRI.UNNIKRISHNAN.V.ALAPATT
BY GOVERNMENT PLEADER SRI. GIKKU JACOB
R BY SRI.SAJEEVKUMAR K.GOPAL,SC,KSEB

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 09-06-2015, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT P1 TRUE COPY OF THE SUIT FILED BY THE PETITIONERS BEFORE THE MUNSIF'S COURT, DEVIKULAM AS O.S 182 OF 2003
- EXHIBIT P2 TRUE COPY OF THE JUDGMENT AND DECREE IN O.S 80 OF 2005 OF SUB COURT THODUPUZHA
- EXHIBIT P3 TRUE COPY OF OF R.F.A NO 305 OF 2010 OF THIS HON'BLE COURT
- EXHIBIT P4 THE RELEVANT EXTRACT OF THE LIST OF GOVERNMENT ELECTRIC PROJECT PERTAINING TO THE PETITIONER'S LAND
- EXHIBIT P5 TRUE COPY OF THE PETITION FILED BY THE PETITIONER BEFORE RESPONDENTS 5 TO 8 DATED 30-2013
- EXHIBIT P6 TRUE COPY OF THE PETITION FILED BY THE PETITIONERS BEFORE THE 6TH RESPONDENT DATED 22.05.2014.
- EXHIBIT P7 THE TRUE COPY OF THE PETITION FILED BY THE PETITIONERS BEFORE THE 7TH RESPONDENT DATED 22.05.2014.

RESPONDENT(S)' EXHIBITS

- EXHIBIT R5(a) TRUE COPY OF THE JUDGMENT DATED 07.12.2010 IN WP(C) NO. 34781/2010
- EXHIBIT R5(b) TRUE COPY OF THE NOTIFICATION DATED 17.05.2013.

/TRUE COPY/

P.A. TO JUDGE.

V. CHITAMBARESH, J

WP(C) NO. 14146 OF 2013

Dated this the 9th day of June, 2015

JUDGMENT

The title to the property acquired will largely depend on the outcome of RFA No. 305/2010 pending on the file of this Court. The compensation amount (tentatively fixed) shall therefore be deposited by the Kerala State Electricity Board in court. The deposit shall be made in the court of the Subordinate Judge having jurisdiction in respect of the property.

2. The parties are at liberty to move under Section 30 of the Land Acquisition Act, 1894 dependent on the outcome of RFA No. 305/2010. It is for the reference court to deal with the apportionment of compensation in the light of the judgment in RFA No. 305/2010.

The Writ Petition is disposed of.

**V. CHITAMBARESH
JUDGE**

ncd